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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,977	03/06/2002	Xiaobao X Chen	21	6368

7590 06/22/2005

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER

NGUYEN, THUAN T

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/091,977	Applicant(s) CHEN, XIAOBAO X	
	Examiner THUAN T. NGUYEN	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/6/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

2. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Boudreaux (U.S. Patent No. 6,466,556 B1).

Regarding claim 1, Boudreaux discloses “a Terrestrial Radio Access Network for the Universal Mobile Telephone System (UTRAN) comprising at least one first Radio Network Controller and at least one Node B associated with said first Controller across a lub interface, said first Controller and said Node B operating Internet Protocol, comprising, when there is a requirement for signaling and/or data traffic to cross the lub interface, the first Radio Network Controller is arranged to set up at least one IP tunnel across the lub interface wherein transport channel frames containing signaling and data information are encapsulated and multiplexed into IP packets”, i.e., Fig. 1A discloses a UTRAN network 135 with radio network controllers 152-154 and Node Bs 160-164 and a lub interface LUB and LU134, (col. 4/line 57-col. 6/line 5) and data packets including signaling and/or data traffic are crossing the lub interface in IP packets from node B across lub and RNC 152, 153, 154 and also across LU134 (col. 1/lines 30-60 for

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TCP/IP protocols and GSM/GPRS and UMTS backbone for packet data addressed; and col. 4/lines 22-48 & col. 6/line 53-col. 7/line 65 for GTP protocol as General Packet Radio Service Tunneling Protocol for IP packets), and as illustrated in a closer look in Figs. 2A & 2B using radio resource connection RRC 210 as the connection for GTP or General Packet Radio Service Tunneling Protocol transport (col. 4/lines 22-36).

As for claim 2, in further view of claim 1 above, Boudreaux discloses “when there is a requirement for signaling and/or data traffic to cross the Iur interface, the first and the further Radio Network Controllers are arranged to set up at least one IP tunnel across the Iur interface, and signaling and data information are encapsulated in IP packets”, i.e., if a handover or a channel establishment occurs between the RNC and nodes, the RNC Controller uses the GTP tunnel protocol for setting up at least one IP tunnel across the **Iur interface** (Figs. 3-6 & 7, and col. 5/line 38 to col. 6/line 59 for RAB or radio resource bearer for channel connection within the UTRAN 135 and **Iur interface 134 or 136**).

As for claims 3-4, in view of claim 1, Boudreaux discloses “in which each IP tunnel carries at least one of the transport channels of the Universal Mobile Telephone System” and “in which the IP tunnel carries at least two transport channels which are multiplexed” (col. 3/lines 30-63 for multiple networks are involved and SS7 packet switching network and ATM switching as well as Time Division Multiplexing TDM for handling plurality of transport channels and multiplexing).

As for claim 5, in view of claim 4, Boudreaux further suggests “in which spare bits after the transmission of the Session Data Unit length in the data frame of each IP packet are arranged to carry the identity of at least two transport channels”, i.e., radio access bearers handles this

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feature for identifying the traffic channels to MAC layer and Radio Link Physical Layer (col. 6/lines 11-25).

As for claim 6, in view of claim 4, Boudreaux inherently suggests “in which a one byte field in the common header structure of the channel frames is allocated to carry the identity of the at least two transport channels”, i.e., packet data is known for containing common header structure to carry identifiers of traffic channels for provisions of retransmission and error correction (col. 6/lines 26-52; and col. 4/lines 22-56 for Iu reference points for IP transport protocol stack).

As for claim 7, in view of claim 3, Boudreaux further addresses “in which each IP tunnel is dedicated to a specific transport channel”, i.e., a dedicated traffic channel is assigned as RNS chooses appropriate radio resources for carrying out the channel connection (col. 6/line 53 to col. 7/line 26).

As for claims 8-9, these claims for a radio network controller and a Node B for use in the above Terrestrial Radio Access Network of claim 1 are rejected for the reasons given in the scope of claim 1 with the radio network controller (Fig. 1A, items 152, 153, 154) and node B (Fig. 1A, items 160-164) as disclosed by Boudreaux though out the entire reference and drawings.

Response to Arguments

3. Applicant's arguments filed on 11/10/04 have been fully considered but they are not persuasive.

The Applicant mainly argues that Boudreaux does not teach an IP tunneling protocol across Node B or across Iub interface between node B and Radio Network Controller. If one consider a close look at Figure 2 of the present application versus Fig. 1A & 1B of Boudreaux, one would realize the common aspect in forming an IP UTRAN as mentioned in page 3, lines 1-5 of the present application. Boudreaux does the same technique, yet Boudreaux refers to it as GPRS Tunneling Protocol (GTP). IP tunneling simply refers to a secure way of transmitting information data across the Internet based network by encapsulating an encrypted data packet. As discussed in the background of Boudreaux, Boudreaux's system relates to network protocols including cellular wireless data networks and the Internet between the client and the host using TCP protocols and GSM/GPRS and other 3GPP UMTS protocols (col. 1/lines 30-60). Therefore, one should realize that the GTP tunneling does the same function as an IP UTRAN as argued by the Applicant in conveying data across Iub interface and Lu 134 from Node B to RNC and to the UMTS core network.

Therefore, the Examiner respectfully disagrees with the Applicant and stands with the disclosure and teaching of Boudreaux as discussed in this final office action.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tony T. Nguyen
Art Unit 2685
June 7, 2005


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